

REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 20 September 2019. Attendances:

Councillor Glazier (Chair)

Councillors Bennett, Godfrey Daniel, Simmons and Tutt

1. Amendment to the Constitution – Scheme of Delegation to Officers

1.1 The County Council's Scheme of Delegation provides the Director of Communities, Economy and Transport with authority to perform a number of functions and make certain decisions across the range of services that make up the directorate. Some of these functions concern the work that the County Council undertakes in producing and reviewing a Waste and Minerals Local Plan for the county. Some of the functions also concern the input that the County Council provides, particularly through our statutory planning consultee roles, in the development and review of Local Plans produced by other planning authorities (particularly the District and Borough Council's in the county).

1.2 Over recent years, the Government has made it clear that they are concerned with the time it takes for Local Plans to be produced. Various measures have been introduced to attempt to address this concern, one of which has been the requirement for planning authorities to prepare Statements of Common Ground with other parties, which are seen as a way of addressing cross-boundary strategic planning matters and demonstrating compliance with the Duty to Co-operate. This requirement has been set out in the Government's National Planning Policy Framework (NPPF)¹.

1.3 The County Council will be expected to secure Statements of Common Ground in support of our own Waste and Minerals Local Plan. We will also be asked to agree Statements of Common Ground that support plans prepared by other planning authorities. These instances will generally relate to the County Council's roles as Highway Authority, Lead Local Flood Authority and/or a neighbouring County Planning Authority. It is anticipated that other authorities will often request the County Council's agreement to a Statement of Common Ground at relatively short notice, particularly when responding to matters raised by a Planning Inspector for a Local Plan Examination. It should be noted that Statements of Common Ground will not be setting policies for Local Plans. Instead, they will be articulating factual evidence and/or previously stated position(s) on the Local Plan in question.

1.4 In light of the above, it is proposed to add the following paragraph to Table 6 of Part 3 of the County Council's Scheme of Delegation. This will follow on from the current paragraph 38, which is within the sub-section entitled "*Development Plans and Consultation*".

"39. To consider, agree and sign Statements of Common Ground that are prepared in support of Development Plans by both the County Council and other planning authorities."

1.5 The Scheme of Delegation provides delegated authority to respond to consultations from government departments and other statutory and non-statutory organisations. However, this is only within the context of the County Council's role as County Planning Authority. There have been and will be times when the County Council, within its statutory planning consultee roles, also wishes to respond to such consultations (e.g. updates to the

¹ See paragraphs 24 to 27 of the NPPF;

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

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National Planning Policy Statement, consultations issued by the likes of the Environment Agency, etc). More often than not, these consultation periods are only for around 6 weeks, meaning that it is often not possible to submit a response to the consultation that has been formally approved by a Lead Member decision. In light of this it is proposed to amend the current delegation as follows (additional text underlined).

“40. To respond on behalf of the Council as County Planning Authority, Highway Authority and/or Lead Local Flood Authority to consultations from government departments and other statutory and non-statutory organisations.”

1.6 A current delegation to the Director of Communities, Economy and Transport concerns applications for Prior Approval, which may in some instances be required in order for certain developments/works to exercise their Permitted Development rights as set out below:

- (a) *To determine, where there are less than 2 objections relating to siting and/or appearance, the determination of (a) whether or not prior approval is required and (b) whether or not prior approval is granted in relation to applications made under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.*
- (b) *To determine applications for developments ancillary to mining operations made under part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015*
- (c) *To determine applications under Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 for the prior approval of the demolition of buildings*

1.7 An application for Prior Approval has a limited scope for the matters that the planning authority can consider. To date, few such applications have been received by the County Planning Authority. At present, the Scheme of Delegation makes specific reference to certain parts of the legislation that could result in an application for Prior Approval. However, this is not exhaustive and therefore to ensure that all such applications are captured in the Scheme of Delegation, it is proposed to replace the current delegation with the wording set out below, which is consistent with the criteria that determines whether a planning application is referred to the Planning Committee, or not.

“21 a) To determine whether an application for prior approval is required under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

b) To determine, where there are less than two objections relating to matters that can be considered by the County Planning Authority under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, applications for prior approval under the aforementioned legislation.

1.8 The current Scheme of Delegation to Officers contains the following delegation:

In accordance with the policy of the County Council to authorise...

e) an employee to use his/her private vehicle on official business and, in consultation with the Director of Communities, Economy and Transport and Chief Operating Officer, to grant applications for loans under the County Council's Assisted Car Purchase Scheme.

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1.9 The Assisted Car Purchase Scheme has been replaced by the opportunity to apply for a loan to purchase a car under the employee loan policy. In practice, there is no involvement for the Director of Communities, Economy and Transport or the Chief Operating Officer in the approval of employee car loans. It is therefore proposed to amend the Scheme of Delegation to Chief Officers as set out below

Current	Proposed
8. In accordance with the policy of the County Council to authorise... e) an employee to use his/her private vehicle on official business and, in consultation with the Director of Communities, Economy and Transport and Chief Operating Officer, to grant applications for loans under the County Council's Assisted Car Purchase Scheme	8. In accordance with the policy of the County Council to authorise... e) an employee to use their private vehicle on official business f) approval of applications for loans to employees in accordance with the Employee Loans Policy

1.10 The Committee recommends the County Council to:

☆ (1) approve the amendments to the Scheme of Delegation to Officers as set out in paragraphs 1.4, 1.5, 1.7 and 1.9 of the report.

20 September 2019

KEITH GLAZIER
(Chair)